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U.S. Application No. 09/884,131 Art Unit 2617  
Request for Reconsideration in Response to January 11, 2006 Final Office Action

### **REMARKS**

In response to the final Office Action dated January 11, 2006, the Assignee respectfully requests reconsideration based on the following remarks. The Assignee respectfully submits that the pending claims already distinguish over the cited patent to Schein *et al.*

Claims 1-29 and 44-48 are pending in this application. Claims 30-43 have been withdrawn due to restriction.

The United States Patent and Trademark Office (the "Office") rejected claims 1-25, 27-29, and 44-48 under 35 U.S.C. § 102 (b) as being anticipated by U.S. Patent 6,002,394 to Schein *et al.* Claim 26 was rejected under 35 U.S.C. § 103 (a) as being unpatentable over Schein.

Claims 1-25, 27-29, and 44-48, however, are not anticipated or obviated. The patent to Schein *et al.* fails to teach or suggest all the claimed features of the pending claims. The Assignee thus respectfully submits that the pending claims already distinguish over Schein.

### **Telephone Interview with Examiner Laye**

Examiner Laye discussed this response. A telephone interview was held March 10, 2006. Scott Zimmerman reviewed the pending claim language and distinguished the claims from Schein. Examiner Laye said he would perform another search.

### **Rejection of Claims under 35 U.S.C. § 102 (b)**

The Office rejects claims 1-25, 27-29, and 44-48 under 35 U.S.C. § 102 (b) as being anticipated by U.S. Patent 6,002,394 to Schein *et al.* A claim is anticipated only if each and every element is found in a single prior art reference. See *Verdegaal Bros. v. Union Oil Co. of California*, 814 F.2d 628, 631, 2 U.S.P.Q. 2d (BNA) 1051, 1053 (Fed. Cir. 1987). See also

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DEPARTMENT OF COMMERCE, MANUAL OF PATENT EXAMINING PROCEDURE, § 2131 (orig. 8<sup>th</sup> Edition) (hereinafter "M.P.E.P.").

Claims 1-25, 27-29, and 44-48 are not anticipated. All the pending claims recite, or incorporate, features not taught or suggested by *Schein*. Claim 1, for example, recites "*a channel producer that receives the content, aggregates the content into a bundle of content, and transmits the bundle of content within and outside of the specific type of geographic terrain, the bundle of content having a full schedule of programming, the bundle of content having diverse subject matter with all the content related to the geographic terrain*" (emphasis added). Claim 1 is reproduced below, and independent claims 11, 19, 22, 27, and 44 recite similar features.

1. (Previously Presented) A system for delivering media content comprising:
  - (a) a producer producing content related to a specific type of geographic terrain; and
  - (b) a channel producer that receives the content, aggregates the content into a bundle of content, and transmits the bundle of content within and outside of the specific type of geographic terrain, the bundle of content having a full schedule of programming, the bundle of content having diverse subject matter with all the content related to the geographic terrain.

*Schein* does not anticipate the pending claims. *Schein* is completely silent to at least "*the bundle of content having diverse subject matter with all the content related to the geographic terrain.*" The patent to *Schein et al.* describes a database that can be searched for programming and other information related to a program. That is, *Schein* provides information related to a single program — *Schein* is completely silent to at least "*the bundle of content having diverse subject matter with all the content related to the geographic terrain.*"

*Schein* provides an explanation. "The present invention provides systems and methods for providing television schedule information on a visual interface, and for allowing the viewer to retrieve, search, select and interact with information located in a remote database." U.S. Patent 6,002,394 to *Schein et al.* at column 2, lines 20-25. "In an exemplary embodiment of the present invention, a system and method is provided for directly linking television viewers with broadcasters and advertisers during the real-time broadcast or non-real-time internet broadcast of

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a commercial or program.” *Id.* at column 2, lines 45-49. “[T]he viewer may directly access these databases during the broadcast of a television program, or while the viewer is browsing through the television schedule and/or listing information guide.” *Id.* at column 3, lines 6-10. “**Preferably, the information is contextually related to television programs within the television schedule and/or listing information.**” *Id.* at column 4, lines 45-47 (emphasis added). “**Links from the program guide to stories related to a program can be created and the related stories can be accessed from the guide.**” U.S. Patent 6,002,394 to Schein *et al.* at column 7, lines 60-65 (emphasis added).

*Schein* continues explaining the database. “In this arrangement, a user, in conjunction with the data made available through an electronic program guide (or navigational system), can link, search, select, and/or initiate a subscription to more information relating to specific areas of interest or concerns associated with a program or a program’s title.” *Id.* at column 14, lines 53-61 (emphasis added). “**In the preferred embodiment, a user of an electronic program guide (e.g., as described above) can conduct a search for information about a particular program/television show or for information relating to the show, the actors, the actresses, the show’s theme, other broadcast times or sources, and other related information through selection via a user interface.**” *Id.* at column 14, lines 61-67 (emphasis added). “**In the preferred embodiment, the choices are associated with the context of the selected program and can be changed via the electronic program guide supplier.**” *Id.* at column 15, lines 17-20 (emphasis added). As *Schein* explains:

For example, if the user chooses (1) Other Humphrey Bogart Movies option, the electronic program guide contacts and communicates with the selected database of available information. The database of available information is then used to collect the requested data of other Humphrey Bogart movies. The selected choice is transmitted and used by the electronic program guide as its contextual reference for the search. A list with the search results is then displayed on television 200.

U.S. Patent 6,002,394 to Schein *et al.* at column 15, lines 34-42.

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*Schein* also describes a customization feature. This feature allows a user to define categories, such as a "favorites" listing of programs. The user can define a category, and the database is searched for other programs having the same category. This customization feature, however, still does not disclose "the bundle of content having a full schedule of programming, the bundle of content having diverse subject matter with all the content related to the geographic terrain." As the patent to *Schein et al.* explains, "[w]ithin the database, each program is associated with a variety of criteria or features, such as particular actors, actresses, directors, the type of movie (e.g., action, comedy) and the like." *Id.* at column 16, lines 22-25. "The computer will include a processor and suitable software for automatically searching the database for other programs having the same criteria." *Id.* at column 16, lines 28-31. "In this way, the program guide will automatically customize itself to the individual viewer to facilitate use of the television schedule." *Id.* at column 16, lines 34-37. "Thus, the system will constantly search for any show that includes Jerry Seinfeld and record that show, episode, or only the portion of the show that involves Jerry Seinfeld." U.S. Patent 6,002,394 to *Schein et al.* at column 16, lines 57-59. "The user will then have a list of all the shows or some of the shows that feature Jerry Seinfeld, and can view these shows at his or her leisure." *Id.* at column 16, lines 60-62.

*Schein* continues describing how Internet websites may be searched. Again, however, *Schein* still does not disclose "the bundle of content having a full schedule of programming, the bundle of content having diverse subject matter with all the content related to the geographic terrain." As the patent to *Schein et al.* explains, "the system may include a 'virtual agent' that searches existing websites and/or internet broadcast transmitter on the internet and points to websites and/or internet broadcast transmitters that may interest the viewer." *Id.* at column 19, lines 57-61. "The television schedule system 500 shown in FIGS. 16-21, however, is particularly advantageous with the contextual linking system of the present invention as it enables the viewer to quickly and efficiently browse through the television schedule, and to interact with a wide range of services that are related to the programs in the television schedule." *Id.* at column 31, lines 13-18. "For example, the program may access other contextual linked services such as a commercial store, etc., to allow the purchaser to buy a wide variety of different services or goods directly or indirectly linked to a particular program." U.S. Patent 6,002,394 to *Schein et al.* at

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column 22, lines 20-23. *See also id.* at column 23, lines 37-50 and column 23, line 66 through column 24, line 7.

*Schein*, then, does not anticipate claims 1-25, 27-29, and 44-48. The patent to *Schein et al.* allows searching of categories and tags related to a program. No where does *Schein* disclose a “*bundle of content having a full schedule of programming, the bundle of content having diverse subject matter with all the content related to the geographic terrain.*” Because the patent to *Schein et al.* is completely silent to at least these features, *Schein* cannot anticipate claims 1-25, 27-29, and 44-48. The Assignee thus respectively submits that the pending claims already distinguish over *Schein*.

For at least the reasons above, independent claims 1, 11, 19, 22, 27, and 44 are considered allowable, along with the claims that respectively depend from them.

**Rejection of Claims under 35 U.S.C. § 103 (a)**

With regard to claim 26, this claim was rejected under 35 U.S.C. § 103 (a) as being unpatentable over *Schein*. Claim 26, however, ultimately depends from independent claim 22 and, thus incorporates the same distinguishing features. Independent claim 22, for example, recites “*the channel producer aggregating the content into a bundle of content having a full schedule of programming, the bundle of content having diverse subject matter, yet all the content related to the geographic terrain*” (emphasis added). Because *Schein* is entirely silent to at least this feature, one of ordinary skill in the art would not think that claim 22, or claim 26, was obvious. The Assignee thus respectfully requests removal of the § 103 (a) rejection of claim 26.

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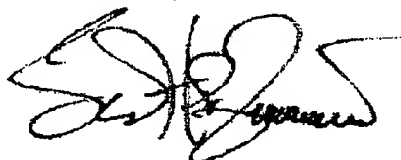
If any questions arise, the Office is requested to contact the undersigned at (919) 387-6907 or [scott@wzpatents.com](mailto:scott@wzpatents.com).

Respectfully submitted,

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A handwritten signature in black ink, appearing to read 'Scott P. Zimmerman', with a stylized flourish at the end.

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